APPENDIX I

(The Government servants' conduct rules corrected up to July 1915.)

1. In these rules,—

(*a*) "Government servant" includes every person holding or exercising any civil office, other than a menial office, under the Government ;

Interpretation.

(*b*) "Native of India" means a person of unmixed (Asiatic descent permanently) resident in India.

2. A Government servant may not, without the previous sanction of the Government of India, directly or indirectly accept, either on his own behalf or in behalf of any other person, any gift, gratuity or reward, or any promise of a gift, gratuity or reward, from any Native of India.

Gifts.

[13 Geo. III, Chap. 63, section 24 ; Foreign Department Circular no. 1299. G., dated the 20th June 1876.]

The Head of a Government or Administration or a Political Officer may accept from any Native Prince or Chief a ceremonial gift which is deposited in the Government Toshakhana and for which a return present is made at the Government expense. Any Government servant may accept a complimentary present of flowers or fruits or similar articles of trifling value. The practice of giving such presents should however be discouraged.

When a gift of substantial value cannot be refused without giving offence, it should, unless the Government of India by special order otherwise direct, be delivered up to the Government.

3. A Government servant may not, without the previous sanction of the local Government, receive any complimentary or valedictory address, accept any testimonial presented to him, or attend any public meeting or entertainment held in his honour ; nor may he take part in any similar acknowledgement of the services of any other Government servant, or of any person who has recently quitted the service of Government.

Public demonstrations in honour of Government servants.

[Home Department (Public) Resolution no. 29—1629-45, dated the 22nd July 1887; Home Department Resolution no. 729—753 (Public), dated the 6th May 1898; Home Department Circular nos. 4566—75, dated the 8th August 1910.]

The rule admits of the following exceptions:—

(*a*) The Head of any Government or Administration may receive an address,

(*b*) At the request of any public body a Government servant may sit for a portrait, bust or statue not intended for presentation to him.

(*c*) A Government servant may take part in the raising of funds to be expended, in recognition of the services of another Government servant, on the foundation of a scholarship or other public or charitable object, or on the execution of any portrait, bust or statue not intended for presentation to such other Government servant. He may not, however, solicit subscriptions for the purpose.

(*d*) A Government servant may take part in a private farewell entertainment, attended only by personal friends, as a mark of regard to himself when retiring from the service or quitting a district or station, or to another Government servant in similar circumstances.

Presentation of trowels, etc., at ceremonial functions.

[Home Department Circular nos. 4566—75, dated the 8th August 1910.]

4. A Government servant may not, without the previous sanction of the local Government, receive any trowel, key or other similar article, offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

[Home Department Circular nos. 1173 — 1184, dated the 18th June 1913.]

A local Government may delegate its power of sanction under this rule to Commissioners of Divisions, or, in the Madras Presidency, to the Board of Revenue.

[Home Department Circular nos. 718 —721, dated the 13th May 1915.]

This rule shall not apply to the Head of any local Government or Administration or to any Member of the Imperial or a Provincial Executive Council, or to the Commissioner in Sind.

Application of rules 2 and 3 to medical officers.

5. Subject to the departmental rules governing the question, a medical officer may accept any gift, gratuity or reward offered in good faith by any person or body of persons in recognition of his professional services.

6. A Government servant may not, without the previous sanction of the local Government, ask for or accept from any Native Prince or Chief, or the agent of any Native Prince or Chief, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

Subscriptions.

[Home Department (Public) Resolution no. 31—1217-42, dated the 11th July 1885; Home Department (Public) Resolution no. 25—1437-60, dated the 14th August 1889.]

7. Government servants may not enter into any pecuniary arrangement for the resignation by one of them of any office under the Government for the benefit of the others. Should this rule be infringed, any nomination or appointment consequent upon such resignation will be cancelled and such parties to the arrangement as are still in the service will be suspended, pending the orders of the Secretary of State or of the Government, as the case may be.

Purchase of resignation.

[General Notification no. 216, dated the 9th September 1842; Home Department Circular no. 55—1864-73 (Public), dated the 29th December 1883.]

8. (1) A gazetted officer may not lend money to any person possessing land within the local limits of his authority, nor may he, except in the ordinary course of business with a Joint Stock Bank or a firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to, any person subject to his official authority, or residing, possessing land or carrying on business within the local limits of such authority.

Lending and borrowing.

[Home Department (Public) Resolution no. 2-R.—87-103, dated the 16th January 1890; letter to Government of Madras, no. 2407, dated the 6th December 1890; Home Department Circular letter nos. 560—569, dated the 28th February 1907.]

(2) When a gazetted officer is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property or carry on business within the local limits of such authority, he must forthwith declare the circumstances to the Government through the usual channel.

[Home Department (Public) Resolution no. 22—637-653, dated the 16th March 1888; Home Department (Public) Resolution no. 1032—1049, dated the 9th June 1897.]

[Home Department Circular no 4952-60 (Public), dated the 28th October 1869; Home Department letter no. 1899 (Public), dated the 25th April 1872; Home Department letter no. 1556 (Public), dated the 31st May 1892.]

(3) The orders contained in this paragraph apply also to non-gazetted officers, but in the case of the latter they may be relaxed in exceptional cases at the discretion of the head of their office. Non-gazetted officers should make the report referred to in sub-paragraph (2) to the head of their office.

[Home Department Notification no. 1437 (Public), dated the 23rd September 1881; Home Department Notification no. 53 (Public), dated the 20th January 1882; Home Department Circular no. 387—96, dated the 20th February 1911.]

9. When a Government servant, other than a Native of India, wishes to buy from or sell to any Native of India residing, possessing immovable property, or carrying on business within the station, district or other local limits for which he is appointed, any house, elephant, horse, conveyance or other valuable thing, he must declare his intention, with a full statement of the circumstances and the price offered or demanded, as the case may be, to the Commissioner or to such other authority as the local Government may direct. When such a declaration has been made, the Commissioner, or other officer authorised by the local Government in this behalf, may pass such orders upon the proposal as he may think fit. These orders do not apply to any transaction conducted in good faith with a regular dealer.

Buying and selling houses and other valuable property.

A Government servant, who is about to quit the station, district or other local limits for which he has been appointed, may, without reference to any authority, dispose of his furniture, household goods, live-stock and the like, either by circulating lists thereof among the community generally or by causing them to be sold by public auction.

NOTE.—It will be understood that the Commissioner or other officer authorised to dispose of such applications is at liberty to refer any application to Government for advice or orders if he considers such a course desirable. In cases where the Commissioner or other officer authorised in this behalf is himself interested in the proposed transaction, he should refer the matter to Government for orders.

10. A Government servant who is a member of the Indian Civil Service, or a military officer may not hold or acquire any immovable property within the territories of any Native Prince or Chief.

Holding or acquiring immovable property.

[Home Department Circular no. 21—797-806 (Public), dated the 13th May 1885; Home Department Circular no. 19—1161-1170 (Public), dated the 14th June 1890; Home Department Circular nos. 2224—32, dated the 13th may 1909.]

A Government servant, who, not being a Native of India, is a member of the Indian Civil Service, or a military officer, or holds any office ordinarily held by members of the Indian Civil Service or by military officers, may not, directly or indirectly, hold or acquire any immovable property within the Province in which he is employed or within any Province with the administration of which he is concerned, whether such employment or concern is permanent or temporary.

A Native of India who is a member of the Indian Civil Service, or holds any office ordinarily reserved for members of the Indian Civil Service, and any Government servant belonging to the Provincial or Subordinate Civil Services, may continue to hold any immovable property actually held by him at the time of his entry into Government service, and may thereafter acquire any immovable property by succession, inheritance, or, bequest, or, with the previous sanction of the local Government or such heads of Departments as may be specially empowered by the local Government in this behalf, by purchase or gift.

He will, however, be liable to be debarred from employment within the district or other local limits within which such immovable property is situated.

Any Government servant may hold or acquire immovable property in good faith for the purpose of residence.

11. Every government servant or candidate for Government service must make to the Government, through the usual channel-declaration of all immovable property which may from time to time be held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon, him.

Control over immovable property held or acquired by Government servants.

[Home Department Circular no. 21—707-806 (Public), dated the 13thMay1885. Home Department Circular no, 33—2405—14 (Public), dated the 11th September 1888.]

Such declaration should state the district within which or the Native Prince or Chief within whose territories the property is situated and should give such further information as the Government may by general or special order require.

[Home Department Circular nos, 718-721, dated thr 13th May 1915,]

This rule shall not apply to any Member of the Imperial or a Provincial Executive Council who is a Government servant only in that capacity and not otherwise.

[Home Department Circular no. 91-797-806 (Public), dated the 13th May 1885; Home Department Circular nos. 2139—48, dated the 25th September 1908; Home Department Circular nos. 1566 — 75, dated the 8th August 1910; Home Department Circular nos. 79—90, dated the 23rd January 1913.]

12. A Government servant may not make any investment, other than an investment in immovable property permitted by rule 10, which gives him such private interest in matters with which his public duties are connected as would be likely in the opinion of the local Government to embarrass or influence him in the discharge of his duties.

Investments other than those in immovable property.

Subject to this condition he may hold or acquire shares in any Company, including a mining or agricultural Company, which has for its object the development of the resources of the country; but he will not be employed in any district in which the operations of any such Company are conducted:

Provided that this rule, in so far as it relates to the making of investments or placing of deposits by Government servants in co-operative societies registered under Act II of 1912, shall, subject to any general or special restrictions or relaxations made or permitted by the local Government, be read with the following limitations:—

(*a*) Government servants of the class referred to in the second paragraph of rule 10 shall not make such investments or place such deposits within the Province in which they are employed.

(*b*) Government servants of the class referred to in the third paragraph of rule 10 shall not make such investments or place such deposits except in cases in which they are allowed to retain or acquire immoveable property.

(*c*) All other classes of Government servants shall be at liberty to make such investments or place such deposits.

Home Department Circular no. 21 — 797 — 806 (Public) dated the 13th May 1885.]

13. A Government servant may not speculate in investments.

Speculation.

In applying this general rule, the purchase of a grant of land supposed to contain minerals with the object of disposing of it to Companies, and the habitual purchase and sale of securities of notoriously fluctuating value, will be treated as speculation in investments.

Promotion and management of Companies.

14. A gazetted officer, whether on leave or in active service, may not, without the special sanction of the Secretary of State, take part in the promotion, registration or management of any Bank or other Company. [Home Department Circular no. 21—797-806 (Public), dated the 13th May 1885; Secretary of State's Despatches no. 73 (Public), dated the 19th July 1883; no. 25 (Financial), dated the 7th February 1889; and no. 53 (Public), dated the 14th May 1891 Home Department Circular nos. 2139 — 48. dated the 25th, September 1908; Home Department Circulars nos. 79—90, dated the 23rd January 1913.]

This rule does not apply to any Government servant who, with the sanction of the Government of India, enters into the service of a Railway Company working a concession granted by the Government or to the management by a Government servant of any association established and conducted in good faith for the purpose of mutual supply and not for profit, when such management does not interfere with his public duties, or (subject to the same condition) to any Government servant who, under the general or special sanction of the local Government, takes part in the management of a co-operative society registered under Act II of 1912.

Solicitors to the Government at Calcutta, Madras or Bombay, Government pleaders, Crown Prosecutors, Diocesan Registrars and Coroners may serve as Directors of a Bank or other Company if such service does not interfere with their public duties and the interests of the Bank or Company are not opposed to those of the Government.

Private trade or employment.

15. A Government servant may not, without the previous sanction of the local Government, engage in any trade or undertake any employment, other than his public duties. [Home Department Circular no. 21—797-806 (Public), dated the 13th May 1885.]

A Government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but the Government may, in its discretion, at any time forbid him to undertake or require him to abandon any employment which in its opinion is undesirable.

Note.—The Secretaryship of a club does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his public duties and that it is an honorary office, that is to say, that it is not remunerated by any payment in cash, or any equivalent thereof other than the customary concessions of free quarters and personal exemption from messing charges only. Any officer proposing to become the Honorary Secretary of a club, should inform his immediate departmental superior who will decide, with reference to this rule and note, whether the matter should be reported for the orders of Government. [Home Department Circular nos. 928—937B., dated the 9th June 1914.]

[Home Department Notification no. 181, dated the 26th January 1855; Circular Memorandum no. 67-2816-2821, dated the 19th November 1874; Resolutions no.100 (Public), dated the12th January 1856, No. 2-77-102 (public) dated the 19th January 1884, and no. 29—1770—92, dated the 8th October 1889.]

Insolvency and habitual indebtedness.

16. (1) When a Government servant is adjudged or declared an insolvent, or when one moiety of the salary of such Government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he will be considered liable to dismissal.

(2) When such Government servant is not liable to dismissal otherwise than by or with the sanction of the Secretary of State, the matter must, if he is declared insolvent, and may, if a moiety of his salary is attached, be reported to the Secretary of State, pending the receipt of whose orders he will be suspended from the service.

(3) In the case of any other Government servant, the matter should be reported to the local Government or to such authority subordinate to the Government as may, by general or special order, be directed.

(4) When a moiety of an officer's salary is attached, the report should show what is the proportion of the debts to the salary; how far they detract from the debtor's efficiency as a Government servant; whether the debtor's position is irretrievable; and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him when the matter was brought to notice, or in any post under the Government.

(5) In every case under this rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, will be upon the debtor.

[Home Department Circular no. 30—1267-76(Public), dated the 16th August 1884; Home Department Resolution no. 22- A(Public), dated the 3rd June 1885]

Communication of official documents or information.

17. A Government servant may not, unless generally or specially empowered by the local Government in this behalf; communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons, or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise.

18. A Government servant may not, without the previous sanction of the local Government, become the proprietor in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication. [Home Department Resolution no. 19—1134 (Public), dated the 8th July 1875.]

Connection with Press.

Such sanction will be given only in the case of a newspaper or publication mainly devoted to matters not of a political character, and may at any time, in the discretion of the local Government, be withdrawn.

19. Subject to the provisions of rule 17, a Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion; and, if his connection with the Press is contrary to the public interest, the local Government may withdraw his liberty to contribute. When there is room for doubt whether the connection of any Government servant with the Press is or is not contrary to the public interests, the matter should be referred to the Governor-General in Council for orders.

Nothing in this rule will limit or otherwise affect the operation of any Army Regulations for the time being in force relating to the same subject.

20. A Government servant may not publish in his own name. [Secretary of State's despatch, no. 182 (Public), dated the 27th September 1912; Home Department Circular no. 2660—2671, dated the 15th November 1912.]

(*a*) any statement of fact or opinion which may embarrass the relations between Government and the people of India or any sections of the people;

(*b*) any statement of fact or opinion concerning the policy or affairs of, or negotiations with, a foreign country which may embarrass the relations between such country and the British or Indian Government.

Criticism of Government and publication of information or opinion upon matters relating to foreign countries.

A Government servant who intends to publish a statement which may be considered to fall within this rule shall submit a proof thereof and shall obtain the permission of Government before publication.

[Home Department Circular no. 11—679-88 (Public), dated the 18th March 1890; Home Department Circular no. 4015-24 (Public), dated the 16th December 1905.]

Political agitations and meetings.

21. A Government servant may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs. Nor may he attend any political meeting his presence at which is likely to be misconstrued or to impair his public usefulness. When there is room for doubt whether any action which a Government servant proposes to take will contravene the provisions of this rule, he should refer the matter for orders to the local Government to which, or the Government servant to whom he is immediately subordinate.

[Home Department Circular no. 30—1676-85 (Public), dated the 5th September 1890; Home Department Circular no. 1365—74, dated the 29th May 1900.]

Vindication of acts and character of Government servant as such.

22. A Government servant may not, without the previous sanction of the local Government, have recourse to any Court or to the Press for the vindication of his public acts or character from defamatory attacks. In granting sanction to the recourse to a Court the local Government will in each case decide whether it will itself bear the costs of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether, in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs.

Nothing in this rule will limit or otherwise affect the right of any Government servant to vindicate his private acts or character.

1. Government servants, on certain conditions, may become members of Anglo Indian Empire League (G. R. 7855 dated 9th October 1915.)

2. Government servants should decide whether they should attend a political meeting without orders of higher authority (G. R. 2647 dated 12-4-16.)

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